

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 29TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE H.N.NARAYAN

REGULAR FIRST APPEAL NO.708/1987

C/N 750/1987

IN RFA 708/1987:

Smt. Lingamma.

:APPELLANT

(BY Sri. Shivappa, Advocate)

-vs-

1. Dollegowda,

Dead by L.Rs.

Krisnnegowda, and others. :RESPONDENTS

(BY Sri. G.S.Visweswara for Smt. Shantha

W.Joshi, Adv. for the Respts.)

IN MFA 750/1987:

Smt. Kamamma.

:APPELLANTS

and others

(BY Sri. Padubidri Raghavendra Rao, Adv.)

-vs-

1. Dollegowda,

Dead by L-Rs.

Krisnnegowda, and others. :RESPONDENTS

(BY Sri. G.S. Visweswara for Smt. Shantha
W. Joshi, Advs. for the Respondents)

These Regular First Appeals filed Under
Section 96 of CPC against the Judgment and
decree dated 14.8.1987 passed in O.S.NO.51/75
on the file of the Pri. Civil Judge, Mandya,
decreeing the suit for declaration and possession
and future mesne profits.

I.A.VII for amendment of Judgment and decree
passed on 18.9.1997:

The Advocate for the appellant has filed
this application U/s.152 R/w Section 151 of CPC
supported by an affidavit praying that this
Hon'ble court be pleased to amend the Judgment
and decree passed in the above appeal on 18.9.97
for the reasons stated therein.

This RFA along with I.A.VII coming on
for orders this day, the court made the following:

ORDER

Counsel for respondents 2 to 7 is absent.

I.A.7 coming on for orders today, the court heard

-3-

the learned counsel for the appellants in RFA No.750/87 and the following order is passed.

At paragraph 15 of the Judgment it is held by this court that the alienation made in favour of defendant No.11 who is the 5th appellant in RFA No.750/87 is for legal necessity and the sale made by defendants 16 and 17 was for discharge of antecedent debts. On perusal of the operative portion of the order, there is no specific order in regard to this defendant-appellant. Therefore his appeal is liable to be allowed. Accordingly, the appeal preferred by the 5th appellant in RFA No.750/87 is allowed. The appeal filed by the other appellants is dismissed. The Judgment and decree passed in so far as 5th appellant in RFA No.750/87 is set aside.

I.A.7 is accordingly allowed.

Sd/-

JUDGE



AVT R.BY: *R* 12/11/99

C.BY: *ln* 12/11/99

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R
 Akshithat Registrar
 High Court of Karnataka
 Bangalore-560 001

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R 17/11/99

